

### REMARKS

Claims 15-25, 31 and 34-43 are pending in the present application. Claims 15-25 and 31 were withdrawn from consideration. By virtue of this response, claims 15-25, and 31 have been cancelled, and claims 34-35, 38-39, and 41-42 have been amended. Accordingly, claims 34-43 are currently under consideration. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented.

#### Claim Objections

The Office Action sets forth the claim objections quoted below:

Claim 34 recites a "prompt audio object configured to" perform a certain function. It is unclear whether this function is required to be performed because it is not positively claimed (i.e., --a prompt audio object to--).

Claims 34 and 35 recite prompt classes/mapping configurations "operable to" perform a function. It is unclear whether this function is required to be performed because it is not positively claimed, only "operable to".

Claim 39 recites instructions "operable to" perform a function. It is unclear whether this function is required to be performed because it is not positively claimed, only "operable to".

Office Action of October 24, 2008, pages 2-3.

Applicant respectfully submits that the claim terms "operable to" and "configured to" do positively recite their associated functions, because the object that precedes each of these terms is positively claimed as being operable to or configured to perform the function. However, to advance prosecution of this application, claim 34 has been amended to recite "wherein, in response to receiving the document, a prompt audio object uses the contextual information . . . ."

Further, claim 34 has been amended to recite "the prompt mapping configuration for specifying a first text string" instead of "wherein the prompt mapping configuration is operable to specify a first text string . . . ." (Emphasis added.)

Claim 35 has been amended to recite “each of the prompt classes associating an audio segment identifier” instead of “each of the prompt classes operable to include an association of an audio segment identifier.” (Emphasis added.)

Claim 39 has been amended to recite “further comprising instructions for selecting an advertisement . . .” (Emphasis added.)

Applicant respectfully submits that the features of claims 34-37 and 39 are positively claimed, and the objections to these claims and their dependents should be withdrawn.

#### Claim Rejections – 35 U.S.C. § 112, Second Paragraph

Claims 38-41 are rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 38 and 41 have been amended to recite a “computer readable medium comprising instructions which, when executed by a computer, enable . . .” Emphasis added. Thus, Applicant submits that claims 38 and 41 are definite.

Claims 39-40 depend from claim 38, and are definite for at least reasons given above for claim 38. Applicant submits that claims 38-41 are definite, and respectfully requests that the rejection be withdrawn.

#### Claim Rejections – 35 U.S.C. § 101

Claims 35-37 are rejected under 35 U.S.C. 101 because the claimed invention is allegedly directed to non-statutory subject matter.

A process is patent-eligible if it is tied to a particular machine or apparatus or transforms a particular article into a different state or thing. *In re Bilski*, 88 USPQ 2d 1385, 1396 (Fed Cir. 2008). The transformation of data that represents physical and tangible objects is a sufficient transformation to be patentable subject matter. *Id.* at 1397 (citing *In re Abele*, 684 F.2d 902, 908 (CCPA 1982)).

Applicant submits that the method of claim 35 transforms data representing a tangible object, specifically an audio segment derived from an audio source. Claim 35 has been amended to recite, “enabling a voice browser to render an audio segment derived from an audio source.” Support for this amendment can be found in the disclosure of the specification, which describes:

The audio rendered to a user often comes from various sources, such as, for example, audio advertisements recorded by sponsors, audio data collected by broadcast groups, and text to speech generated audio.

Paragraph [0005].

Thus, an audio segment derived from audio source represents a tangible object, such as a sound or segment of human speech. Because claim 35 describes a method of rendering an audio segment, derived from an audio source, it transforms data which represents a tangible object. Therefore, Applicant submits that 35 and its dependents 36-37 are directed to statutory subject matter.

Claim Rejections – 35 U.S.C. § 103, Ladd in view of Uppaluru and in further view of Wolf

Claims 34-35, 37-38, and 40-43 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Ladd et al. (U.S. Patent 6,269,336, hereinafter “Ladd”) in view of Uppaluru (U.S. Patent 5,915,001) and further in view of Wolf (U.S. Patent 5,771,276).

The references, either alone or in combination, do not disclose or suggest the limitations recited in claim 34. Specifically, the references do not teach a first text string having occurrences in multiple prompt classes and a one-to-one association between each of the occurrences and a corresponding audio segment identifier. Additionally, the references do not disclose or suggest using context information to determine a prompt class, and matching a text string, received in a document, to a text string occurrence in the prompt class.

Ladd describes a dialog interface in which users may respond to prompts delivered by the interactive service. (Ladd, Abstract.) For example, “The PROMPT element of the markup language (i.e., <PROMPT text <PROMPT> is used to define content (i.e., text or an audio file) that is to be presented to the user.” (Ladd, col. 18, lines 33-36.) Ladd further describes, “the STEP elements define states within a DIALOG element.” (Col. 16, lines 45-46.) “When the voice

browser interprets the markup language document, the voice browser will navigate through the DIALOG element to different STEP elements as a result of the user's responses." (Col. 16, lines 54-57.) Thus, it appears that Ladd describes a system that delivers an audio or text prompt depending on a state within a dialog between the system and a user. In one example, Ladd describes, "The STEP element has a single PROMPT element that will be read to the user via the text-to-speech unit." (Col. 17, lines 62-64.)

In contrast, claim 34 recites, "[a] prompt mapping configuration for specifying a first text string having occurrences in multiple prompt classes." Claim 34 further recites, "a one-to-one association between each of the occurrences and a corresponding audio segment identifier." Figure 9 depicts an exemplary implementation. Within the Prompt Mapping Configuration 901, a first text string "NHL" occurs in multiple prompt classes "YahooSports" and "YahooFinance." The Audio Prompts database 902 illustrates a one-to-one correlation between each occurrence of "NHL" to a different Utterance Transcription.

Note that in box 902 the text string "NHL" 903 can be rendered using the audio for National Hockey league 905 in a Sports context, while the audio for the company with ticker 'NHL' 904 should be rendered to the user if the company name "Newhall Land" 906 has been recorded, and this is in a Finance context.

Paragraph [0078].

Thus, as illustrated in this example, the same text string may occur in multiple prompt classes, each occurrence correlating to a different audio rendering.

Additionally, claim 34 describes a prompt audio object which:

uses the contextual information to determine a prompt class ...

matches a text string from the document received by the voice browser to one of the plurality of occurrences of the at least one text string by searching only within the prompt class...and

causes rendering of an audio segment, referenced in the database, that is identified by the audio segment identifier associated with the matched text string occurrence.

Thus, the audio rendering of a text string depends on contextual information contained in the document received.

Neither Ladd nor the other references disclose or suggest a first text string having occurrences in multiple prompt classes and a one-to-one association between each of the occurrences and a corresponding audio segment identifier. Additionally, the references do not disclose or suggest using context information to determine a prompt class, and matching a text string, received in a document, to a text string occurrence in the prompt class. Because the references do not disclose the limitations described in claim 34, Applicant submits claim 34 is non-obvious.

Claims 35, 37-38, and 40-43 describe similar limitations and are patentable over the cited references for at least reasons given above for claim 34. Therefore, Applicant respectfully requests that the rejection of these claims be withdrawn.

Claim Rejections – 35 U.S.C. § 103, Ladd in view of Uppaluru and in further view of Saylor

Claims 36 and 39 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Ladd et al. in view of Uppaluru in view of Wolf and further in view of Saylor et al. (U.S. Patent 6,501,832, hereinafter “Saylor”).

Claim 36 depends from claim 35, and is patentable over the cited references for at least the same reasons as claim 35. Claim 39 depends from claim 38, and is patentable over the cited references for at least the same reasons as claim 38. Thus, Applicant respectfully requests that the rejection of these claims be withdrawn.

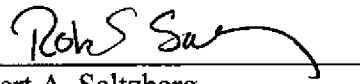
**CONCLUSION**

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 324212009600. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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